

REMARKS

In the Office Action dated August 31, 2010, claims 1-15 were presented for examination. Claims 1-15 were rejected under 35 U.S.C. §112, first paragraphs. Claims 11-15 were rejected under 35 U.S.C. §112, second paragraphs. Claims 11-15 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Newson*, U.S. Patent No. 6,904,059, in view of *Yoshida*, U.S. Patent Application Publication No. 2002/0075894.

I. Rejection of Claims 1-15 Under 35 U.S.C. §112, second paragraph

In the Office Action dated August 31, 2010, the Examiner rejected claims 1-15 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. More specifically, the Examiner raised a concern that there is no support in the original Specification for the limitation pertaining to broadcasting packets having identical payloads and different headers. It is well known in the art of computing, that broadcasting refers to a method of transferring a message to all recipients simultaneously.¹ Based upon this definition of broadcasting, it is inherent that broadcasting packets associated with a specific payload have identical payloads and different headers, each header specifying an address at which the payload has to be delivered, *i.e.* recipient address. Accordingly, it is Applicant's position that the limitation pertaining to identical payloads is inherent to the definition of broadcasting.

With respect to claims 11-15 under 35 U.S.C. §112, the Examiner rejected the above claims under 35 U.S.C. §112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter regarded as the invention. Applicant has amended claim 11 to replace the controversial language pertaining to "means for" with "instructions for." Accordingly, Applicant respectfully requests that the Examiner remove the rejections herein and grant an allowance of the pending claims.

II. Rejection of Claims 1-15 Under 35 U.S.C. §101

¹ See definition of Broadcasting, attached as Exhibit A.

In the Office Action dated August 31, 2010, the Examiner rejected claims 11-15 under 35 U.S.C. §101 as directed to non-statutory subject matter. More specifically, the Examiner raised a concern that a computer readable medium can be interpreted as a propagation medium which is non-statutory. Applicant has amended claim 11 to replace “computer readable medium” with “computer readable data storage medium.” The data storage medium is a hardware element which is statutory. Support for the amendment is found in paragraph 0026 of Applicant’s publication. No new matter has been added with the amendment submitted herewith. Accordingly, Applicant respectfully requests that the Examiner remove the rejections herein and grant an allowance of the pending claims.

III. Rejection of Claims 1-15 Under 35 U.S.C. §103(a)

In the Office Action dated August 31, 2010, the Examiner rejected claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over *Newson*, U.S. Patent No. 6,904,059, in view of *Yoshida*, U.S. Patent Application Publication No. 2002/0075894.

Newson teaches an addressed computer receiving a plurality of packets, stripping out information content of the packets, and reassembling the transmitted electronic information. Furthermore, *Newson* teaches assembling packets and releasing them to a routing system. A packet contains a payload and a header. See Col. 4, line 66 through Col. 5, line 10.

With respect to the limitation pertaining to broadcasting packets having identical payloads and different headers, the Examiner cited a paragraph teaching a header containing information regarding an intended receiver's IP address, the sender's IP address, how many packets are contained in the data stream, the sequence number of the packet, synchronization bits and in some cases, protocol, and length of packet. It is not clear to Applicant how the paragraph above teaches or suggests broadcasting of packets of which it is inherent that the packets have identical payloads and different headers. In fact, *Newson* teaches a payload being reassembled into a data stream with the payloads of other packets based on the numbered sequence of packets. See Col. 5, lines 7-10. The data stream of *Newson* needs to be reassembled to include payloads from different packets, *i.e.* the packets of *Newton* have different payloads. Accordingly, *Newson* does not teach broadcasting packets in the manner claimed by Applicant.

Yoshida teaches a packet, that does not always transmit actual data and includes only a header. See paragraph 0019. However, *Newson* and *Yoshida*, applied individually or in combination, do not teach attaching a broadcasting payload stored local to a receiving router to each header information arriving at the receiving router separately from the broadcasting payload. In fact, the combination of the references above, would make the invention of *Newson* inoperable since all packets of *Newson* have different payloads. Indeed, assembling packets having the same payload, associated with one of the packets, and different headers would cause a loss of payloads associated with other packets.

Applicant has amended claim 6 to address a limitation pertaining to associating a payload of each broadcasting packet with a set of symbols, storing this set of symbols in a broadcasting packet header and combining the header and the payload at a receiving router based upon this set of symbols. Support for the amendments is found in paragraph 0022 of Applicant's application publication. No new matter has been added with the amendment presented herewith.

"To establish a rejection under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested on the prior art."² If the prior art references do not teach or suggest every claim limitation of the Applicant's invention, then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a). As noted above, *Newson* and *Yoshida* do not teach broadcasting packets (having identical payloads and different headers), wherein a payload is stored inside a receiving router and subsequently attached to a header with the header arriving at the receiving router separately from the payload. Accordingly, Applicant respectfully requests that the Examiner remove the rejections herein and grant an allowance of the pending claims.

IV. Conclusion

In view of the forgoing remarks to the claims, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Applicant is not conceding in this application that those claims in their prior forms

² MPEP §2143.03 (Citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

are not patentable over the art cited by the Examiner, as the present claims are only for facilitating expeditious prosecution of the application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicant requests that the Examiner indicate allowability of claims 1-15, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,
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EXHIBIT A

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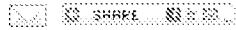
broadcast

To simultaneously send the same message to multiple recipients. Broadcasting is a useful feature in e-mail systems. It is also supported by some fax systems.

In networking, a distinction is made between *broadcasting* and *messaging*. Broadcasting sends a message to everyone on the network whereas multicasting sends a message to a select list of recipients.

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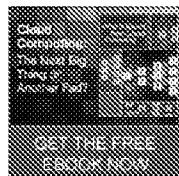
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